

FILED - USDC - NH
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**
February 3, 2025

Randall S. Collier

v

NH Circuit Court et al
(Executive Branch)

Case Number 25 cv 36 SE TSM

**Motion for Federal Clerk to enter Default Judgement in favor of
Randall S. Collier**

The following facts and evidence support corruption in US Government to include child trafficking, child abuse, pianage, extortion, racketering, and Treason.

I filed my Habeas Corpus on January 17, 2025, and to this date, no Hearing scheduled. My case was entered as a civil rights case instead of what the heading of the document said it was. It was clearly writing in the english language, it was HABEAS CORPUS.. Changing the pleading without consent is unlawful.

See also, House Judiciary Committee meeting on 1/17/24 At the 5hr 21 minutes, NH State Rep Smith and Co-chair of the Judiciary Committee asks the General Counsel Erin Kregan "is the Supreme Court the only Constitutional Court in NH?" The General Counsel's response was "Superior Court is also a constitutional created court". Rep Smith then asked, " What about Circuit Court?" The General Counsel's response was "Circuit Courts were made by statute.". See US Supreme Court Decision [self v. Rhay, 61 wn (2d) 261] "Statutes are not the Law". House Judiciary (01/17/2024): <https://www.youtube.com/watch?v=bRBjoHcXrek>

- 5) Negligence for using criminal statutes against litigants in civil court:
 - a) If there was probable evidence of an actual crime these 'family courts' are liable for not reporting to an actual criminal court;
 - b) Only criminal courts are supposed to be prosecuting criminal codes, not these "family courts" (which are not legit to start as explained in the prev. reason #4 herein);

c) A "civil sanction" (as mentioned in reason #9 herein) is different from a "criminal code/law/statute". Criminal law in NH is only Title 62 (Sections 625-651 only, not 173b) and in US Codes only Title 18;

d) So these "Family Courts" are not legitimate to begin with, and may only aid people in resolving disputes between them if they are both willing to VOLUNTARILY submit to the courts orders, but these "Family Courts" are not "Criminal Courts of Law" and therefore cannot "lawfully" force any orders upon anyone against their will (like "protective orders" which must come from a "criminal court" according to "due process of law" like "probable cause", "trial by jury", and "proof beyond any reasonable doubt");

6) House Judiciary Committee meeting on 1/17/24 NH State Rep Kutab, stated "The Judicial Conduct Commission was made by legislation. The Judicial Conduct Committee was established by NH Supreme Court Rule. The NH Supreme Court found the Judicial Conduct Commission to be unconstitutional in 2011" Rep Kutab, stated "the Judicial Conduct Commission has been on the books for over 20 years, its not used, it has been confusing litigants because it has the same initials as the Judicial Conduct Committee, which is the process pro se litigants use when they have complaints against family court judges". House Judiciary (01/17/2024):

<https://www.youtube.com/watch?v=bRBjoHcXrek>

I recently obtained a document from the Judicial Conduct Committee that notes they do not have jurisdiction to hear Administrative Court Judge complaints". Why are pro se litigants sent to the Judicial Conduct Committee for complaints against family court judges, if by their own admission they do not have jurisdiction to hear those complaints? Intentionally misleading litigants for 20 years is in the best interest of who?

7) House Judiciary and Children and Family Law Committee hearing on 3/28/23 Judge Michael Garner testified that" Rules of Evidence do not apply in Family Court, What we hope to be is the gatekeeper for reliable information". House Judiciary & Children and Family Law Joint Committee Meeting (03/28/23): https://www.youtube.com/watch?v=vbFOdcRT_XA

NH Judicial Branch Family Court Rule 2.2 "Rules of Evidence do not apply to the actions listed above. However, the court in its discretion may utilize the state of NH Rules of Evidence to enhance the predictable, orderly, fair, and reliable presentation of evidence".

8) We cannot 'vindicate' our 'rights' in "Family Court(s)" if "rules of evidence do not apply": During the House Special Committee of Family Division of the Circuit Court: on 4/2/24 NH General Counsel Erin Kregan stated "civil court is for the plaintiff to vindicate their rights, and in criminal court the burden of proof is much higher, the rights of the defendant are protected". "Civil sanctions are not meant to be punitive, they are intended for the plaintiff to vindicate their rights". House Special Committee on the Family Division of the Circuit Court (04/02/2024): <https://www.youtube.com/watch?v=WPPyUg3Ua3E>

NH Criminal Statutes used as civil sanctions against pro se litigants: See NH RSA 173b, review Claim 5 (Rules of Evidence do not apply).

Question 1. If Rules of Evidence did not apply, how can it be the preponderance of the evidence? why are criminal statutes being used as civil sanctions against litigants without supporting evidence?

Question 2. If relevant evidence was denied, how is Due Process guaranteed to the litigants?

9) Negligence for failing to lawfully allow evidence most favorable to [this Plaintiff] as required by law: Deprivations of rights to "due process of law"[A.5] for the judge denying access to video surveillance tapes from the court regarding meeting the elements of a charge of "criminal threatening"[117], for 2 years in a row (denying motions for "discovery" of evidence to defend against charges of "criminal threatening". Videos which are likely deleted since shortly after the incident according to a court clerk[118]). "The essential elements of due process are notice and opportunity to defend" ones self. US.Supreme Ct., Simon v. Craft, 182 U.S. 427 (1901), <https://supreme.justia.com/cases/federal/us/118/425/>; See Timeline regarding 4 denied motions, 2 for discovery of video recordings from the attempted staredown and 2 motions for Show Cause.

Question 1. If Rules of Evidence did not apply to the orders I am seeking to vacate, what evidence did apply to support the Criminal Statutes used.

Fourteenth Amendment right to substantive due process. The removal and continued detention of the child without evidence of abuse or neglect violates the appellants fundamental right to family integrity.

Meyer v. Nebraska 262 U.S. 390, 399 (1923) Fourteenth Amendment right to substantive due process. The removal and continued detention of the child without evidence of abuse or neglect violates the appellants fundamental right to family integrity.

"A duty to give decisions which are advisory only, and so without force as judicial judgments, may be laid on a legislative court, but not on a constitutional court established under Art. III." Williams v. United States 289 U.S. 553 (1933),

<https://supreme.justia.com/cases/federal/us/289/553/> ;

"It is only when failure to observe this safeguard amounts to denial of due process, that the court is deprived of jurisdiction."; Merritt v. Hunter, C.A. Kansas 170 F2d 739, <https://law.justia.com/cases/federal/appellate-courts/F2/170/739/1567905/>

"No sanction can be imposed absent proof of jurisdiction". Standard v. Olesen, 74 S.Ct.768. <https://casetext.com/case/olesen-v-stanard> "Once jurisdiction is challenged, it must be proved". Hagans v. Levine, 415 U.S. 533, n3: <https://supreme.justia.com/cases/federal/us/415/528/>

Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. *McLean v. Jephson*, 123 N.Y. 142, 25 N.E. 409.
<https://casetext.com/case/mclean-v-jephson>

Jenkins v. Mckinney, 533 S.W.2d 275, 281 (Tenn. 1976) Tennessee Supreme Court held that “courts have an inherent power to set aside judgements which are void or obtained by fraud”.

Fourteenth Amendment right to substantive due process. The removal and continued detention of the child without evidence of abuse or neglect violates the appellants fundamental right to family integrity.

“When enforcing mere statutes, judges of all courts do not act judicially” and thus are not protected by “qualified” or “limited immunity,” SEE: *Owen v. City*, 445 U.S. 662; *Bothke v. Terry*, 713 F2d 1404

Jenkins v. Mckinney, 533 S.W.2d 275, 281 (Tenn. 1976) Tennessee Supreme Court held that “courts have an inherent power to set aside judgements which are void or obtained by fraud”.

Reno v. Flores, 507 U. S. 292, 304. (1993)

There is normally no reason or compelling interest for the State to inject itself into the private realm of the family to further question a parents’ ability to make the best decisions regarding their children.
<https://supreme.justia.com/cases/federal/us/507/292/> ;

The US Court of Appeals for the District of Columbia upheld claims that government interference in family integrity must be directed by the constitutional guarantee of due process, which requires that removal of a child from their home should only be permitted if there is imminent danger to the child's life or health.

Gonzales V. Commission on Judicial Performance, (1983) 33 Cal. 3d 359, 371, 374. Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process.

The Sixth Circuit has held that “ government officials may not remove children from their parents custody without a court order unless there is reasonable cause to believe that the child is in imminent danger of serious bodily injury and that the scope and degree of the intrusion is reasonably necessary to avert that specific injury”. *Kovacic v. Cuyahoga Cty. Dept of Children & Family Servs.*, 724 F .3d 687, 695 (6th Cir, 2013)

In *Jordan v. Jackson*, The US Court of Appeals for the District of Columbia upheld claims that government interference in family integrity must be directed by the constitutional guarantee of due process, which requires that removal of a child from

their home should only be permitted if there is imminent danger to the child's life or health.

Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on the government. Circuit Courts (Oregon 9th):

Jordan v. Jackson, 15 F.3d 333, 346 (4th Cir. 1994) "We recognize that the forced separation of parent from child, even for a short time, represents a serious infringement upon both the parents' and child's rights."

The court emphasized that the state's interest in protecting children must be balanced against the fundamental right of parents to raise their children without undue interference.

Circuit Court Family Division is known as Administrative Law, it is all 3 branches of government into 1 and the executive branch runs the show but they use judicial branch documents to collude and to restrict your unalienable rights for profits. US Supreme Court Justice GORSUCH said ALJ's are not judges and they are not real courts.

These mediators are supposed to be independent 3rd parties to assist in parental rights and to work together and mutually satisfactory settlement, nh chapter 328.c2

12 years protective orders, no evidence,
2 NH Supreme Court Parenting Appeals denied
1 NH Supreme Court Writ of Certiorari denied
2 NH District Court 42 USC 1983 Complaints denied
1 US Court of Appeals denied

6 hours with my son in 12 years, and "evidence did not apply to the orders Mr Collier seeks to vacate". See order on 4/24 from Family Court Michael Garner. 18 judges and no arrests made and no change to any order in direct conflict with the US Constitution.

Over 3 weeks since I filed Habeas Corpus and the NH AG has not responded, as he has represented the NH Circuit Courts in all previous cases.

Bond v. UNITED STATES 529 US 334 (2000) American people are in fact sovereign, and not the states or the Government. , Pulliam v. Allen, 464 U.S. 522 (1984) regarding judicial immunity,

Title 42 USC, Sec. s/22202, " State immunity" A state shall not be immune under the 11th amendment to the constitution of the United States from an action in federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for violation of the requirements of this chapter, remedies (including both at law

and in equity) are available for such violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State/ Title 42 USC, Sec. 2000d-7" civil rights remedies equalization"endeavor. Meyer v. Nebraska 262 U.S. 390, 399 (1923)

House Judiciary and Children and Family Law Committee hearing on 3/28/23 Judge Michael Garner testified that" Rules of Evidence do not apply in Family Court, What we hope to be is the gatekeeper for reliable information". House Judiciary & Children and Family Law Joint Committee Meeting (03/28/23): https://www.youtube.com/watch?v=vbFOdcRT_XA

NJ, NC, and Tennessee Supreme Court rulings, regarding how the court can't lessen the burden of proof: Re: "New Jersey Division of Child Protection and Permanency v. J.R.-R. and G.R.-R." (November 9, 2020 — Decided September 27, 2021). New Jersey Supreme Court case they clearly explain how these "Family Courts" cannot lawfully shift the "burden of proof" to a parent to prove they did not commit the "offense" such as "abuse" in order to justify infringing the rights of that parent over their child.

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comments> ; <https://casetext.com/case/nj-div-of-child-prot-permanency-v-jr-r-in-re-gr-r> ;
<https://scarincilawyer.com/burden-of-proof-in-child-abuse-and-neglect-cases/> ;
https://www.njcourts.gov/system/files/court-opinions/2021/a_56_57_19.pdf ;

The US Supreme Court has held that judges lack immunity from prosecution for violating constitutional rights under 18 U.S.C. 242 because congress acted to proscribe criminal conduct by judges in the civil rights act of 1866. Mar 10, 2023. Since the denial of rights (42 USC 1983) is a criminal act under 18 USC 242, there is no immunity for the judge for denying your constitutional rights because they are taking part in a criminal endeavor.

"Judge loses his absolute immunity from damage actions only when he acts in clear absence of all jurisdiction or performance of an act which is not judicial in nature."

Schucker v. Rockwood, 846 F.2d 1202. Purpose of the statute that mandated that any person who under color of law subjected another to deprivation of his constitutional rights would be liable to the injured party in an action at law was not to abolish immunities available at common law, but to insure that the federal courts would have jurisdiction of constitutional claims against state officials. Act March 3, 1875, 18 Stat. 470. Butz v. Economou, 1978. Jenkins v. McKinney, 533 S.W.2d 275, 281 (Tenn. 1976)

Case Law US Court of Appeals: Middeton v. Middleton 620A. 2d 1363- Md. Court of Appeals 1993 "Child Support is a duty, not a debt" Holmberg Vs. Holmberg 588,2d,720 (1990) Child Support Unconstitutional, violates the separation of powers. United States v. Rylander, 460 U.S. 752 (1983), Every U.S. Court of Appeals that has addressed this issue, has held that child support/spousal maintenance is a common, commercial (and civil) debt. See, U.S. v. Lewko, U.S. v. Parker, Allen v. City of Portland (1995), the Ninth Circuit Court of Appeals (Citing cases from the U.S. Supreme Court, Fifth, Seventh,

Eighth and Ninth Circuits)" by definition, Summary of this case from U.S. v. Taylor:
<https://supreme.justia.com/cases/federal/us/460/752/> &
<https://casetext.com/case/us-v-taylor-476> &
<https://casetext.com/case/allen-v-city-of-portland> ;
<https://casetext.com/case/paff-v-kaltenbach>

See Am. Jur. & 257 Limitations to Administrative Law Courts. "Administrative Law Courts can not determine constitutional issues". "The essential elements of due process are notice and opportunity to defend" ones self. US Supreme Ct., Simon v. Craft, 182 U.S. 427 (1901), <https://supreme.justia.com/cases/federal/us/118/425/>;

Administrative law is concerned with the legal problems arising out of the existence of agencies which combine in a single entity legislative, executive, and judicial powers.¹ See: 2 Am. Jur. 2d Administrative Law § 1 Generally; definition of "administrative law". This destroys the separation-of-powers, it was about creating administrative agencies (1) that illegally delegated them power to create rules with the force of law as if passed by Congress and sanctioned by the people; (2) the creation of administrative courts that defeated the Tripartite government structure usurping all power into the hands of the executive branch, as if this were a dictatorship run by the great hoard of unelected officials.

REMEMBER PRIVATE CORPORATE RULES DO NOT SUPERCEDE THE US CONSTITUTION.

I DEMAND IMMEDIATE DEFAULT JUDGEMENT, in favor of Randall S. Collier and to return my biological offspring T.C to my full custody today without fail.

I have also sent copies to the NH AG's office today 2/13/25



Under Duress
Randall S. Collier
26 Joslin Rd
Surry, NH
03431

Collier

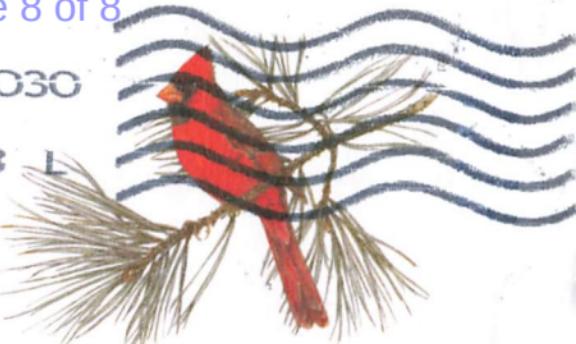
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